

PREVENTING CATASTROPHE: U.S. POLICY OPTIONS FOR THE  
MANAGEMENT OF NUCLEAR WEAPONS IN SOUTH ASIA

**Lt Col Martin J. Wojtysiak**

March 2001

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Report Documentation Page		
<b>Report Date</b> 01MAR2001	<b>Report Type</b> N/A	<b>Dates Covered (from... to)</b> -
<b>Title and Subtitle</b> Preventing Catastrophe: U.S. Policy Options for the Management of Nuclear Weapons in South Asia		<b>Contract Number</b>
		<b>Grant Number</b>
		<b>Program Element Number</b>
<b>Author(s)</b> Wojtysiak, Martin J.		<b>Project Number</b>
		<b>Task Number</b>
		<b>Work Unit Number</b>
<b>Performing Organization Name(s) and Address(es)</b> Air War College Air University Maxwell AFB, AL		<b>Performing Organization Report Number</b>
<b>Sponsoring/Monitoring Agency Name(s) and Address(es)</b>		<b>Sponsor/Monitor's Acronym(s)</b>
		<b>Sponsor/Monitor's Report Number(s)</b>
<b>Distribution/Availability Statement</b> Approved for public release, distribution unlimited		
<b>Supplementary Notes</b>		
<b>Abstract</b>		
<b>Subject Terms</b>		
<b>Report Classification</b> unclassified		<b>Classification of this page</b> unclassified
<b>Classification of Abstract</b> unclassified		<b>Limitation of Abstract</b> UU
<b>Number of Pages</b> 46		

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## **FOREWARD**

### *THE PRESENT REALITY: Nuclear Weapons on the Subcontinent*

Whether the U.S. likes it or not, India and Pakistan have nuclear weapons. Despite the international successes of the NPT in other parts of the world, South Asia's principal antagonists have joined the nuclear club. The region is unstable—in recent years the common animus shared by India and Pakistan has deepened through a series of worrying developments. The danger is real, and potentially disastrous, as the two nations include one quarter of the world's population. Will the U.S. continue its myopic adherence to hard line NPT standards and risk catastrophe, or will it address South Asia's proliferation in a manner that decreases bitterness and controls risks? This paper takes a critical look at U.S. regional objectives and suggests how they might be achieved.

If current U.S. nuclear nonproliferation policy is failing to adequately address the danger in South Asia, perhaps a new policy line is warranted. One approach—a regional nonproliferation regime between India and Pakistan with U.S. participation in a third party or mediating role—could be realistically acceptable to all sides. Indian and Pakistani embassy officers, U.S. government officials from DOD, DOS, and Capitol Hill, and other regional experts considered the notion of a regional regime during a number of author-conducted interviews in December 2000. Their consensus was that this approach, if directly supported by the executive leadership from all three countries, could counter a long-term threat and hold the near-term threat at a manageable level.

At present, India and Pakistan possess only questionable strategic delivery capability and the tensions between them remain at the “simmering” stage. The U.S. is pursuing closer relations with India with tangible success, but its relations with Pakistan

have soured considerably over the last ten years, and reached a low point following the military coup of October 1999. This imbalance contributes to the regional instability and leaves disturbing questions on the horizon. Can the U.S. help prevent the deployment of nuclear weapons systems in India and Pakistan? How does the U.S. help prevent the spread of nuclear weapons technology to less friendly, perhaps even hostile, countries? Can the U.S. prevent either India or Pakistan, or both, from turning hostile to the U.S.?

This paper's first section highlights the threat in "The Nuclear Catastrophe of 2005," a fictitious report describing events that could happen in the future, but is firmly based on the current realities of the subcontinent. Written a year after the "catastrophe," it reports the findings of the OSD desk officers concerning the events leading up to the disaster as well as the grim aftermath of the South Asian Armageddon.

The rest of the paper outlines a new nuclear nonproliferation policy that realistically addresses the threat on the subcontinent. The new policy moves the U.S. from its present course of trying to prevent something that has already occurred, to a more pragmatic approach that attempts to manage and limit the ongoing proliferation in South Asia.

There are two subjects this paper purposefully avoids: economic considerations and U.S. policy toward Israel. This is not to say that these concerns are not applicable to the subject at hand, but they are secondary considerations when compared to nuclear security and their inclusion in the main body here would excessively broaden the discussion. Financial concerns are linked to some of the U.S. assistance suggested in the regional nonproliferation regime, and such assistance could be countered by significant windfalls for U.S. businesses in South Asian power generation, minerals and consumer products sectors. Moreover, recent precedent suggests U.S. policy makers believe that nuclear

nonproliferation success is worth some economic cost. The 1995 U.S. nuclear nonproliferation agreement with North Korea is a pertinent example of this precedent.

Turning to the issue of U.S. policy toward Israel, although the Israeli nuclear weapons program is similar to the programs in India and Pakistan, comparisons between South Asian countries and Israel are not appropriate in the realm of U.S. foreign policy. Many significant domestic political considerations with respect to U.S. policy towards Israel obviously do not apply to South Asia.

Nevertheless, South Asia is becoming increasingly important in its own right. But the massive economic opportunities that accompany a developing region of over a billion people are overshadowed by the nuclear threat. Additionally, important U.S. concerns such as democracy, regional peace, human rights, and terrorism are held hostage to a backward-looking nonproliferation policy. All the countries of South Asia, as well as the U.S., believe there will be no lasting stability on the subcontinent until Pakistan and India settle their differences, and allay the nuclear danger. Most regional experts agree that the U.S. can play an important leadership role in resolving these differences. Strong U.S. leadership, especially at the presidential level, could bring India and Pakistan to the table. The author hopes that the new administration will view the geostrategic environment of South Asia as important and worth investing the considerable political-strategic capital that will prevent catastrophe.

*I. THE THREAT: “The Nuclear Catastrophe of 2005”*

**(OSD Document #06-4165, co-written by India/Pakistan desk officers, 20 Mar 06)**

This report presents the facts leading up to the South Asian nuclear catastrophe of April 2005. It has been nearly one year since the disastrous detonations of six nuclear weapons on the subcontinent, and the death, damage, and injury estimates still increase daily. Pakistan no longer exists as a viable state. The humanitarian emergency within the former cities of Islamabad, Rawalpindi, and Karachi is beyond historical comparison. The former country is wrecked with terror and dysfunction. Legions of roving tribesman loot and murder their way through the territory with indiscriminate savagery. Scores of western aid workers have been slaughtered, their bounty plundered and sent to black marketers. India remains in a state of economic collapse, the effects of which still tarnish the world’s financial order. The absorption of Lahore was less problematic than expected, but scores of thousands of doomed refugees wait to die in filthy encampments along the former international border. Sectarian terrorists and insurgents continue to spread violence in various Indian cities. New Prime Minister Sonia Gandhi, elected after the Vajpayee assassination, faces the unenviable task of restoring order to her cacophonous nation. India lives in the wake of the world’s most brutal human tragedy—a calamity that many argue might have been prevented.

This report discusses the events that preceded the war, emphasizing the warning signs and key moments where disaster may have been averted. The authors conclude that this catastrophe could have been avoided had the world, particularly the U.S., acted sooner. Indian and Pakistani nuclear capabilities were never adequately nor realistically

addressed, and when tensions spiraled on the subcontinent, belated U.S. influence attempts were too little—too late. The tragic consequences of the failed nonproliferation efforts, only a nightmare a year ago, illustrate the lesson of the South Asian disaster.

**Executive Summary:** The “peaceful nuclear explosion” of an Indian device in 1974 was a watershed event that called upon the U.S. to focus its nonproliferation policy in South Asia. During the mid-1980s, Pakistan developed a nuclear capability as well. Successive administrations attempted to address the worrisome proliferation on the subcontinent with virtually no success, as exemplified in May 1998 when the countries conducted a chilling series of nuclear tests. As the situation worsened, the U.S. objective, according to the OSD document entitled *Proliferation: Threat and Response*, remained constant: “To persuade India and Pakistan to first cap, then reduce, and eventually eliminate their capabilities to produce nuclear weapons and ballistic missiles.”<sup>1</sup> This goal was admirable but not very realistic, and ultimately unsuccessful.

The signs that South Asia was a potential nuclear flash point were evident. As early as 1994, Ambassador Robert L. Gallucci wrote, “If a nuclear weapon is to be detonated in anger...the most likely place would be South Asia.”<sup>2</sup> In 1996, *Proliferation: Threat and Response* accurately predicted the danger posed by a nuclear South Asia, asserting:

*“The consequences of a nuclear war between India and Pakistan would be catastrophic, both in terms of the loss of life and for potentially lowering the threshold for nuclear use in other parts of the world.”<sup>3</sup>*

Countless others warned of the potential for disaster, but U.S. leadership, due to a ‘lack of vital interests’ in South Asia, never aggressively addressed these concerns and South Asian nuclear proliferation proceeded virtually unabated for 30 years.

Meanwhile the relations between India and Pakistan ran hot and cold, as did their respective relations with the U.S. The spring of 2000 was a significant turning point for these relationships when Bill Clinton became the first American President to visit the region in twenty-five years. Months prior to the visit, Pakistan experienced a military coup in which Chief of Army Staff, General Pervez Musharraf, bloodlessly seized control of the government. As a result, Clinton elected to cut short the Pakistan portion of his visit. The President spent five high profile days in India strengthening economic and political ties, followed by six terse hours in Pakistan conveying a stern message about the necessity of an expedient return to democracy. Later that year, at the festive 50<sup>th</sup> Anniversary Celebration of the United Nations, India's Prime Minister Atal Behari Vajpayee visited the U.S. in high-profile splendor, meeting with Clinton and addressing a joint session of Congress. Meanwhile, Pakistan's Musharraf was rebuffed in his quest for a meeting with the President. Former national security advisor Robert McFarlane termed the rebuff the beginning of the “vilification of Pakistan.” McFarlane believed that the U.S. should be seen as “a firm and objective friend to both countries” and cautioned the administration that “sanctions and shrill rhetoric will get us nowhere.”<sup>4</sup>

Pakistan viewed the events of 2000 as part of the pattern of souring relations with the U.S. that began when then the Soviets lost the war in Afghanistan 1989. It also validated Pakistan's perception that relations with the U.S. amounted to a zero-sum game between themselves and the Indians. These feelings of isolation left the Pakistanis hungry for a strong ally, and more committed to the pursuit of a strong nuclear deterrent. As in the past, they found their ally in the Chinese, and the U.S. lost another opportunity to influence the Pakistani half of the nuclear arms race.

Closer ties between India and the U.S. provided a minor economic boost for both countries, but little else. India bought conventional weapons from the Russians, and increased its destabilizing imbalance over Pakistan. The U.S. pursued every opportunity to engage the Indians toward nonproliferation progress, but they never budged. India pressed the U.S. to support its quest for a seat on the United Nations Security Council, but the U.S. sidestepped the issue. It took a grave situation involving South Asian nuclear brinkmanship to change the equation. In early 2004, Pakistan tested fired two “Ghauri II” missiles, with nuclear weapons-equivalent payloads, into the Indian Ocean. Islamabad claimed the tests were simply the next step in their deterrent force modernization, but India felt compelled to respond and the situation looked as if it might spiral out of control. U.S. Secretary of State Colin Powell quickly dispatched his South Asian Bureau chief, Ambassador Hank Brown, to New Delhi in the hope of defusing the danger. Brown not only persuaded India to back away from further immediate action, but secured India’s promise to sign the Comprehensive Test Ban Treaty (CTBT) and a commitment to cease fissile material production. In exchange for the surprising Indian restraint, Brown was authorized to promise “qualified” U.S. support for India’s Security Council seat. It was the most measurable success of American nonproliferation policy on the subcontinent, but it was an even bigger win for India.

The Pakistanis believed they had lost again. The country that had always seemed to think of itself as a doomed state now had more reason than ever to be afraid. After the agreement was announced, the streets of Islamabad immediately filled with strong and violent anti-American and anti-Indian protests. The violence spread to the diplomatic enclave where the mob stormed the Indian High Commission, killing eleven Indian

security personnel and diplomats and injuring another twenty-six. In addition, American business interests were vandalized and the U.S. Embassy became a rallying point for anti-American activities. Fearing another Tehran, the U.S. ambassador ordered the evacuation of all nonessential Americans and appealed to Pakistan's military government for protection. U.S. officials dispatched to Islamabad were able to calm Pakistani nerves in the short term, but the damage was done.

The reaction to the agreement in Pakistan's Sindh Province, however, was markedly different. Since the 1998 coup, the military government had not enjoyed much support in Pakistan's largest city and only major seaport, Karachi. The majority of the population in Karachi were "mohajirs"—descendents of Muslims who fled India during the 1947 Partition. Most mohajirs belonged to the Sindh's predominant political party, the Mohajir Quami Movement (MQM), which had been excluded from the political process after its leader, Altaf Hussain, was charged with treason in late 2000. From his self-imposed exile in London, Hussain had discredited the basis upon which Pakistan was created, calling the two-nation theory "a farce" that further divided the Muslims of the subcontinent and left many of them worse off than they were before partition.<sup>5</sup> By 2004, the MQM's threat to "undo the partition of the subcontinent" had gained the support of those who tired of the combination of military dictatorships and scandalous democratically elected leaders that siphoned the countries livelihood and isolated Pakistan from much of the world.

In the wake of the U.S.-India agreement, Altaf Hussain announced his intent to return to Karachi and "lead the mohajirs back into the fold of civilized nations." This announcement led to a division between those supporting the military government—who

vowed to arrest Hussain upon arrival, and the MQM—who intended to grant him a hero’s return. The MQM organized demonstrations on the streets of Karachi, but they were limited by a combination of curfews and deployed troops in the city. Two weeks before Hussain’s scheduled arrival, the MQM changed their tactics and called for a series of strikes intended to “shut down the city.” The strikes, supported by threats of violence, brought Karachi to a standstill. The violent threats became reality after MQM gunmen, confronted with minimal army resistance, attacked the Army Headquarters and assassinated the Corps Commander and his staff. Karachi was in chaos.

The situation became an international crisis when the Indians moved troops to the border, the Minister of Defence telling a newspaper that New Delhi would not “stand by and allow the Pakistani Civil War to harm our interests.” The Defence Minister even went on to suggest Indian “mediation” between Hussain and the military government. This talk infuriated General Musharraf—who recalled 1971 and the last time India offered to “mediate”—the result was that East Pakistan became Bangladesh. Faced with an already hostile Sindh province, Musharraf knew he could not stop the Indians if they elected to cross the border, so he looked north to Kashmir and the city of Kargil.

The Pakistani tactic of diverting Indian attention in Kargil had succeeded previously. Even during relatively peaceful times, Pakistan and India regularly exchanged fire along Kashmir’s Line of Control (LOC). Most of these skirmishes included gunfire or terrorist acts that resulted in small but equal numbers of fatalities on both sides. Twice in the late-1990s, the Pakistanis initiated scuffles in Kargil in response to Indian shelling of the Neelum Valley. In both cases, Pakistani advances were halted, but India’s shelling in Neelum also stopped. During the 1999 encounter, the Pakistanis sent an invasion force

of over a thousand soldiers and brought the nations to the brink of war. Hundreds died on both sides, but the Pakistanis later claimed that it was all part of the “domination of heights” contest, and insisted that the Indians had blown it out of proportion.<sup>6</sup>

Indian Prime Minister Vajpayee addressed his nation in the early days of the 1999 “Kargil Conflict,” confirming his surprise and stating that in the months leading up to the conflict relations with Pakistan had been improving rapidly. Vajpayee said, “Most important, people-to-people contacts and exchanges had opened up as never before in fifty years – there had been an outpouring of goodwill on both sides.”<sup>7</sup> Surprised or not, the Indian response was swift and it destroyed some of Pakistan’s artillery and drove the rest back into garrison. In the end, the attack gained nothing for the aggressor, destroyed the personal goodwill between Vajpayee and Pakistani Prime Minister Nawaz Sharif, and sunk bilateral relations to their lowest level in nearly thirty years.

The first hint of problems along the Kashmir’s Line of Control (LOC) in early 2005 began with another problem in Kargil. In February, the U.S. and British evacuated their respective embassies in Islamabad after satellite photos confirmed two Pakistan army corps taking offensive positions west of the LOC. It seemed only a matter of time before South Asia would erupt into war.

With little diplomatic influence left in Islamabad, the U.S. tested its fledgling friendship with India in one last attempt at a peaceful resolution. SecState Powell traveled to New Delhi with the goal of preventing war and buying time to get the two nations to discuss a peaceful solution. Powell asked the Indians to: 1) exercise restraint along the Sindh border; 2) use their influence to delay Altaf Hussain’s return to Karachi; and 3) offer the Pakistanis a permanent settlement in Kashmir by proposing the LOC as a

permanent international border. Though India had never publicly agreed to the LOC-border concept, the move was long considered the most likely settlement, and the most favorable to India. New Delhi seemed interested in Powell's suggestions, and although it claimed it had no influence on Hussain, the MQM leader announced he was rescheduling his arrival for March 15<sup>th</sup> in order to secure a "cooling off period."

Powell also contacted Russian President Vladimir Putin and requested that he approach Pakistan. Russia had amicable relations and arms agreements with both countries, and the U.S. embassy in Moscow had reported President Putin's interest in brokering a settlement. However, Putin's trip to Islamabad was less successful than hoped. Musharraf was pleased with the attention, as Pakistan had long sought to internationalize its conflict with India, but insisted that India could not be trusted. The General cited Altaf Hussain's postponement as proof that he was under India's control. Musharraf would not look for diplomatic solutions as long as Pakistan was threatened. Despite the frantic efforts to save the peace, the two-week "cooling off period" only served to heighten tensions. The only question was who would move first, the Indians in the south or Pakistan in the north.

On March 14<sup>th</sup>, 2005, Pakistan artillery units staged a bloody assault on Indian positions in a Kargil raid that was bigger and bolder than the 1999 attack. The Indians responded with an aggressive air assault on Pakistani artillery units that left over a hundred dead. The war that the world feared began the next day when the two powerful Pakistani corps crossed the LOC and struck deep into Indian territory.

During the first twenty-four years of their existence, Pakistan and India fought three wars. In every case, the Pakistanis started the fight and experienced short-term success

due to the tenacity of their Army as compared to the relative dysfunction of the Indian ground forces. However, the Pakistanis were never able to sustain their forces once the Indians cut their supply lines. In the 1971 war over East Pakistan, the same sequence resulted in over ninety thousand Pakistani prisoners of war. Unfortunately for Pakistan, such lessons of the past were never fully incorporated into the modern military strategy.

By the first week of April 2005, the Pakistanis were in a familiar and troublesome situation. Early successes allowed the army deeper penetration than expected, but the Indian Air Force pounded away at their forward positions and supply lines, leaving them surrounded and cut off. Pakistan Air Force F-16s attempted to impede the Indians, but the Indian Mig-29s, Su-30s, and Mirage 2000s had far greater numbers and more modern weapons. Years of neglect had placed Pakistan's Air Force in a position where it could not blunt the Indian bombing nor prevent them from gaining air superiority.

Facing the possible capture of two corps, the Pakistanis offered a full withdrawal. "Not *this* time," was the response. India was determined to punish Pakistan for fifty years of trouble, and now that it had human leverage, it would dictate a permanent solution. The Indian Defence minister, in a reckless and provoking breach of responsible statesmanship, publicly threatened to "finish the job" India had begun in 1971. These comments led to the evacuations of the remaining embassies in Islamabad and New Delhi. The international community, which had used every opportunity to plead for restraint, now feared the worst as the tense situation grew eerily quiet.

On 3 April 2005, Pakistan fired two Ghauri II missiles with nuclear payloads into India's Rajasthan province. The first missile apparently missed its intended target and detonated over an unpopulated area in the Thar Desert south of Jaipur Air Base. The

second missile, with a 10 KT fission yield (the Hiroshima device was 13 KT), exploded over India's largest Air Force Base at Jodhpur. The missile completely destroyed the base and much of Rajasthan's second largest city, killing over 110,000 and injuring another 200,000.<sup>8</sup> Apparently, the Pakistanis believed the only way to stop the Indian air attacks was to vaporize the Mig and Mirage squadrons dispersed to Jodhpur and Jaipur. However, in keeping with their historical pattern, the Pakistanis would lose much more than they hoped to gain through this attack.

Six hours later, four nuclear bombs exploded over Pakistan; two were delivered by Mirage 2000s and detonated over the sister cities of Islamabad and Rawalpindi, and two more were sent by Prithvi missiles to Karachi. All four hit their intended targets with an average yield of 25 KT. The best estimates indicated that over two million people were killed in the initial blasts with another five million injured.<sup>9</sup> Most of the injured were severely burned with no hope of medical care, since there were less than three thousand burn beds in the entire country and half of them were now damaged and unusable. The government offices in Islamabad and the military headquarters in Rawalpindi were destroyed, but there was no one alive to return to them anyway. With the exception of the corps commanders left in the field, Pakistan's leadership was dead. India had finally disposed of its mortal enemy in one brutal blow. India had some explaining to do.

After the Pakistani Ghauri strike, New Delhi sent its Foreign Minister, Jaswant Singh, to Beijing. He was in discussions at the Chinese Foreign Ministry when the Indians launched their response. His mission was to convince the Chinese that the Indian strike was provoked and necessary, and to persuade Beijing to remain on the sidelines. The Beijing government informed Singh that China was "utterly disappointed" in India's

decision to use nuclear weapons, but would not expand the war by responding to an attack on foreign soil. Singh received the message he had hoped for. The war was over.

**Conclusion:** U.S. policy actions did not appreciate, nor did they appropriately address, the nuclear danger on the subcontinent. After the nuclear tests of 1998, U.S. policy makers scrambled to respond through sanctions and curt diplomatic exchanges. Unfortunately these efforts upset the regional stability and exacerbated the risk.

Prior to 2005, the conventional wisdom predicted that a conflict in Kashmir could lead to nuclear catastrophe between India and Pakistan. Few predicted that a sectarian clash in the Sindh Province would be the catalyst to war. But such conflicts had plagued the subcontinent for centuries, and it was a sectarian conflict that led to the British partition of 1947. Both India and Pakistan had lived with the threat of unraveling since independence. Kashmir was the major symptom, but it wasn't the disease.

At different points along the way, the U.S. could have broken the chain of events that preceded the South Asian nuclear catastrophe. During the thirty years that nuclear weapons were present on the subcontinent, the U.S. pursued a strategy of achieving nonproliferation through global treaties such as the Treaty for the Nonproliferation of Nuclear Weapons (NPT) and the follow-on pursuits to ban testing and fissile material production. This approach did not achieve success in nonproliferation, but more significantly, it did not reduce the tensions between India and Pakistan. The reasons that any nation proliferates must be addressed before it can consider an alternate means of defending itself. The regional context must be considered. As early as 1993, the U.S. Assistant Secretary of State for the Bureau of South Asia Affairs, Robin Lynn Raphael,

understood this concept. Raphel stated that the control of nuclear weapons was the administration's highest regional priority but also said:

*“Ultimately the solution to the problem is not simply limiting capabilities to produce and deliver weapons of mass destruction. The tensions that underlie conflicts also have to be addressed.”<sup>10</sup>*

South Asian proliferation should have been approached on a regional basis. A regional approach may have ensured that tensions were addressed along with the weapons themselves. The U.S. should have begun the process by developing realistic assumptions and objectives and translated them into a set of nonproliferation goals. Small, confidence-building steps might have led to success in larger areas.

Another failure of U.S. policy was the isolation of Pakistan that began with the Clinton visit in 2000. By not engaging Pakistan, the U.S. made a bad situation worse and contributed to the instability. Pakistan had long depended on foreign assistance for economic and psychological stability. The departure of U.S. support, beginning with the Pressler Amendment sanctions in 1991 and deteriorating into the diplomatic diffidence surrounding the Clinton visit, was especially damaging to Pakistan's national ethos. A stable Pakistan with nuclear weapons was dangerous enough, but an unstable nuclear Pakistan was a recipe for disaster.

A third failure of U.S. policy was its reliance upon sanctions to address the nuclear proliferation in India and Pakistan. Negative approaches to foreign policy, such as sanctions and threats of isolation are one-sided. Once the sanctions are imposed or the threat is realized, the policy is essentially dead for the threatening country. Meanwhile, the country being isolated has already determined that its actions outweighed the penalty.

Such approaches often lead to stalemate, as was the case in India, or the permanent decline in mutual relations, as developed in Pakistan.

A “regional regime” to manage the nuclear proliferation of the South Asian subcontinent might have prevented catastrophe. This approach could have begun outside the auspices of, but parallel to, the NPT. Perhaps the regional regime could have led both countries toward the NPT framework, as the Treaty of Tlatelolco did for Argentina and Brazil. An even-handed policy toward both South Asian countries might have granted the U.S. the bona fides to serve as an effective interlocutor when they stumbled toward war. Such efforts might have prevented the nuclear holocaust that Pakistan endured.

## *II. NEW U.S. POLICY OPTIONS TO MANAGE PROLIFERATION IN SOUTH ASIA*

### *THE PROBLEM: Current U.S. Nuclear Nonproliferation Policy*

Much of the current U.S. nuclear nonproliferation policy for South Asia stems from the goals of global regimes such as the NPT—the 1968 global agreement which attempted to limit horizontal proliferation by creating permanent groups of nuclear weapons states (NWS) and non-nuclear weapons states (NNWS). Those who support the global regimes, such as Joseph Cirincione of the Carnegie Endowment, refer to the NPT’s successes in much of the world, particularly in countries who opted to back away from the brink of nuclear weaponization. Cirincione believes that, “Historically, the nonproliferation regime has one great factor in its favor: It works.”<sup>1</sup> He cites the abandoned programs in South Africa, Brazil, and Argentina, who eventually all signed the NPT as non-nuclear weapons states, as NPT successes. This may be true in the

broadest sense, but closer scrutinizing reveals that domestic regime changes in South Africa shifted the perception of the region from a hostile one to a friendly one. Furthermore, in the cases of Brazil and Argentina, the nonproliferation success was achieved only after a regional agreement, the Treaty of Tlatelolco, was put in place.

There are three general reasons that current U.S. nuclear nonproliferation policy is not effective in South Asia: 1) the *Obstacles to Negotiation* that prevent the U.S. from addressing nonproliferation in a joint Indo-Pak forum that deals with proliferation and underlying tensions that cause it; 2) the lack of *Policy Evolution*, in which the current policy has not matured with the actual developments in India and Pakistan, thus the U.S. focuses on preventing something that already exists; and 3) the *U.S. Political/Diplomatic Gridlock* which juxtaposes U.S. executive and congressional approaches to nuclear nonproliferation policy in South Asia. This policy gridlock excludes new thinking and prevents the current stagnated policy from evolving.

*Obstacles to Negotiation: Separate Approaches and The Zero Sum Game.* India and Pakistan share the same land-mass region and a common history. They are roughly similar in ethnic make-up and economic production per capita, although India enjoys the advantage in terms of military capability. Arguably, they are of similar geostrategic importance to the U.S. In fact, they are tied to the same paragraph of the previous administration's national security strategy document:

*The United States has engaged India and Pakistan in seeking agreement on steps to cap, reduce and ultimately eliminate their capabilities for weapons of mass destruction and ballistic missiles. Regional stability and improved bilateral ties are also important for America's interest in a region that contains a quarter of the world's population and one of its most important emerging markets.<sup>2</sup>*

The above passage provides an illuminating look at the overall policy toward South Asia for two reasons. First, it demonstrates the similarity of U.S. objectives toward both countries, with nonproliferation as the primary interest. But equally illuminating is the relative length and scope of the excerpt since it constitutes the only allusion to the South Asian subcontinent. One could easily conclude that U.S. interests in the region are limited and the priorities placed on addressing these interests are relatively low.

Yet similar objectives have not translated into similar policy approaches. One reason is that it is has been virtually impossible to engage India and Pakistan together. Mutual distrust and hatred lingers from three major wars and numerous smaller skirmishes fought between the nations since their bitter partition from British colonial India. There have been no productive talks between them in over a decade. Limited to engaging the nations separately, U.S. successes have been rare and the ability to reduce tensions nonexistent.

Aggravating the separate approaches problem is the Indian and Pakistani belief that their separate relations with the U.S. amount to a “zero sum game” - the idea that U.S. actions with respect to one country have significant and reverberating consequences with the other. Indeed, mutual failures of both the Bush and Clinton Administrations to realize the “triangular” nature of the relationship damaged the effectiveness of their policies. Secretary of Defense William Perry experienced this concept first hand during a 1995 visit to both Pakistan and India. Perry later spoke about the zero-sum game, saying:

*One of the toughest aspects of this trip was convincing each country that America's relations on the subcontinent are not – I say, not – a zero sum game. During the Cold War that is exactly the way they were perceived. If our relations with one country warmed, they automatically had to cool with the other. That is the way it happened during the Cold War. It does not have to be that way anymore.<sup>3</sup>*

*Failure to Evolve?* Perhaps U.S. nuclear nonproliferation efforts in South Asia have failed because they have not evolved. Many believe that an evolutionary approach is essential on the global scale. Former Reagan administration official Lewis Dunn divides nonproliferation strategy into three phases: the first is the *prevention* of the spread of nuclear weapons to a region, the second is *containment* of that weapon within a region, and the third phase is the *management* of the strategic consequences of proliferation.<sup>4</sup>

Most U.S. policy efforts in South Asia remain embedded in Dunn's *prevention* stage, which often leads to disparities between the approaches and their responses. An example is the 1995 case in which the U.S. lobbied both India and Pakistan to sign the indefinite NPT extension. Both countries rejected it, as they had rejected the original NPT, but there was an underlying futility to the entire idea. Knowing the value that both nations place on their nuclear deterrents, did the U.S. expect them to sign as NNWS? If not, could we have successfully re-negotiated the NPT among 174 other nations with India and Pakistan as nuclear weapon states? The answer is clearly "no" on both accounts.

Either U.S. nuclear nonproliferation policy efforts are guilty of failing to evolve with reality or they are recklessly discriminatory to third world countries, as the Indians and Pakistanis allege. After the 1998 tests, India's Foreign Minister Jaswant Singh referred to the NPT's global approach as "nuclear apartheid."<sup>5</sup> Singh also called the Comprehensive Test Ban Treaty (CTBT), "Neither comprehensive nor related to disarmament but rather devoted to ratifying the nuclear status quo."<sup>6</sup> Not only does the global regime fail in South Asia, it apparently insults them in the process. The proposed policy for the next century, offered in section IV, evolves the U.S. from the *prevention* stage to a sober combination of *containment* and *management*.

*U.S. Diplomatic Gridlock.* Congress is increasingly forming U.S. nuclear nonproliferation policy. In fact, Congress assumed a dominant role since 1976 and focused a great deal of effort on the South Asian region, especially Pakistan through the Pressler Amendment—the only country-specific nonproliferation legislation. This is somewhat ironic since the catalyst for congressional involvement in nonproliferation policy was the 1974 “peaceful nuclear explosion” in India. The official U.S. response to the Indian nuclear test was decidedly mild, as was that of the other NWS.<sup>7</sup> Yet, in retrospect it was the Indian test, more than any other event, that generated the demand in Congress for closing the NPT loopholes by strengthening U.S. nonproliferation policy.

One notable example of the maze of legislation designed to limit the transfer of nuclear materials and avert the deployment of weapons is the Glenn Amendment, which imposes sanctions on NNWS states who detonate nuclear devices. Glenn sanctions were imposed upon India and Pakistan after the 1998 tests, but the effect was disproportionate as Pakistan suffered due to its heavy dependence upon foreign assistance and India was only mildly affected. The Clinton administration later determined the sanctions were not working and lifted them within months of their implementation. Yet neither the failure of the threatened sanctions to prevent the proliferation, nor their uneven effects dissuaded Capitol Hill from believing them to be an important complement to U.S. nonproliferation policy. Senate aides Daniel Morrow and Michael Carriere later wrote:

*The experience of the sanctions against India and Pakistan suggests that under some but not all circumstances, sanctions such as those required by the Glenn Amendment can impose economic costs on the target nations. These costs might range from mild—as in the case of India—to very severe—as happened to Pakistan. In many cases, these costs are likely to be serious enough to enter into the complex calculus of a state that contemplates going nuclear.<sup>8</sup>*

Richard Haase led a Council on Foreign Relations Task Force that criticized the utility of sanctions and broad-based legislative mandates. In a 1998 study of U.S. policy toward India and Pakistan following the South Asian nuclear tests, described such measures as “obstacles to effective diplomacy,” noting that sanctions “can work against U.S. interests, including the goal of promoting regional stability.”<sup>9</sup> The Task Force called upon Congress “to provide broad waiver authority to the president so that sanctions and incentives can be used to support rather than thwart U.S. diplomacy.”<sup>10</sup> In most cases, the legislative requirements have already been overtaken by events. Presidential waiver authority would allow policymakers the ability to design an alternative policy that could help stabilize the Indo-Pakistani nuclear competition and promote other U.S. interests.

In the case of Pressler Amendment during most of the 1990s, overall U.S. foreign policy toward Pakistan was held hostage to a single issue. But not only the U.S.-Pakistan relationship is adversely affected by Pressler. The reverberating effect of the “Pressler-veto” in India is damaging as it encourages New Delhi to reject any approaches that might alter the status quo. As long as India knows that the current set-up disproportionately punishes Pakistan, it will not accept any broader approaches to nonproliferation. The U.S. must balance the scales with both countries before it can effectively negotiate reforms to the current behavior.

*Summary.* This section discussed three major problems with current U.S. nuclear nonproliferation policy in South Asia: 1) the *obstacles to negotiation* including separate approaches for India and Pakistan, and the zero-sum game; 2) the policy’s overall *failure to evolve* with technological developments and diplomatic realities; and 3) the *U.S.*

*diplomatic gridlock* exemplified by the conflict over the application of the congressional nonproliferation efforts.

Taking these problems into account, the remainder of this paper will develop a new approach to U.S. nonproliferation concerns in South Asia. The next section establishes the basis for the approach by forming sets of assumptions and U.S. objectives.

#### *UPDATING U.S. NONPROLIFERATION GOALS: Assumptions and Objectives*

*Assumptions.* There are at least four assumptions on which the U.S. can base its nonproliferation policy in South Asia. First is the idea that *nuclear weapons are a permanent presence in South Asia*. Permanent presence means that India and Pakistan possess nuclear arsenals, and they will continue to maintain them as long as other nations possess similar weapons. Other than the unconvincing protestations by both countries that they do not maintain nuclear arsenals and merely possess the *capability* to build them, there is little dispute in terms of the physical reality. The 1998 test explosions in both countries are proof that they have constructed at least a handful of weapons.

Nuclear weapons constitute a permanent presence in India and Pakistan for several reasons. Although both countries express the desire to eliminate weapons, they tie these desires to unrealistic occurrences. Pakistan claims it will eliminate the weapons as soon as India does the same. India claims it will eliminate as soon as the rest of the world, but especially China, does so. No one would dispute the notion that China's nuclear program is permanent, therefore by their own projections, India's and Pakistan's programs will also continue. Additionally, the prestige that both countries draw from their programs, especially Pakistan - the only Islamic country to possess such capability -

is another reason they will continue. Deterrence against enemies with conventional military advantages is the final reason. For example, even if India offered to eliminate nuclear weapons contingent upon Pakistan doing the same, Pakistan would be loathe to accommodate, thereby giving up its deterrent to India's conventional advantage.

The second assumption, that *nuclear weapons can be a stabilizing influence in South Asia*, is extremely difficult for the “zero-tolerance” nonproliferation stalwarts to accept. Yet it is realistic and based on actual occurrences. In their first 24 years of existence, India and Pakistan fought three wars against each other. Yet in the last 29 years, with nuclear weapons present for 26 of those years, they have not gone to war. Some argue that other reasons, including economic and political considerations, kept the countries away from war. But the economic conditions have remained relatively constant in that neither country has ever been financially ready for war. Additionally, the chief reason for at least two of the wars, the dispute over Kashmir, remains as menacing as ever. The only major change to the geostrategic equation has been the addition of nuclear weapons.

The Kargil conflict of 1999 is an ideal example of how close the countries have come to conventional war without exchanging nuclear threats. However, Kargil also may illustrate the “stability-instability” paradox that nuclear weapons have introduced to the equation.<sup>11</sup> The “stability” argument is based on the reasonable conclusion that the Kargil crisis did not escalate beyond a limited conventional engagement due to the greater threat of nuclear war. On the other hand, the “instability” claim points to the belief that Pakistan is emboldened by its nuclear deterrent and can undertake similar crises without risking severe Indian punishment. The relatively peaceful two years since the Kargil episode may begin to disprove the latter theory.

Whether or not Kargil proves the stabilizing influence of nuclear weapons, the prospects for victory never seemed to deter Pakistan in the past. Pakistan initiated the previous three wars which all resulted in clear and quick Indian victories. The only difference in the Kargil crisis was the prospect of nuclear Armageddon on the subcontinent. The crisis ended when Pakistani Prime Minister Nawaz Sharif “recommended” that the freedom fighters withdraw after the U.S. president pledged his active interest toward resolving the Kashmir dispute. One of the reasons for his sudden trip to Washington, Sharif told the press, “was his fear that India was getting ready to launch a full-scale military operation against Pakistan,” which could lead to a nuclear clash between India and Pakistan.<sup>12</sup> These facts make it logical to conclude that the weapons served as deterrents to a greater war.

The third assumption offered here is the idea that *India and Pakistan are not nuclear outlaws*. Neither India nor Pakistan has used, or specifically threatened to use, a nuclear weapon in anger. Moreover, there is no evidence of “nuclear security lapses” where either country allowed the technology to leak beyond its borders.<sup>13</sup> Finally, both countries have publicly declared moratoriums on further nuclear tests and “caps” on their fissile material production programs. One observer argues that this is responsible behavior when placed in stark contrast to the US-Soviet nuclear actions that included “the deployment of tens of thousands of nuclear warheads, bombers flying on 24-hour alert status, and the nuclear safety lapses that characterized the superpower arms race.”<sup>14</sup>

The fourth and final assumption is that *global approaches to nuclear nonproliferation do not succeed in South Asia*. The evidence here is clear and indisputable. Neither country signed the original NPT in 1971 nor did they support the

NPT extension signed by 174 other countries in 1995. Both considered participation in the recent Comprehensive Test Ban Treaty (CTBT), but in the end did not. Finally, though both countries declared the previously-mentioned unilateral “caps” on nuclear fuels, they have indicated they will refuse the upcoming Fissile Material Cut-Off Treaty.

Their consistent negative reactions to global approaches led to suggestions of multilateral regional approaches that also failed. Pakistan’s long-standing proposal of “Five-Power” regional negotiations (to include China, Russia and the U.S.) has been flatly refused by India. The only progress, albeit minimal, has occurred in bilateral discussions. India and Pakistan have agreed not to attack each other’s nuclear facilities and have also agreed to some loose, if somewhat hollow, confidence building measures (CBMs) through bilateral agreements. If further progress can be made its chances appear best in this bilateral framework, perhaps with the U.S. acting as a third party

*U.S. Regional Objectives.* In order to refresh its policy, the U.S. must initially update its objectives in the region. Relatively minor revisions in these objectives will greatly effect the utility of the resultant policy.

First, the U.S. must accept the status quo that nuclear weapons exist in South Asia. This does not mean the U.S. must necessarily embrace these nuclear programs. Consider the tacit acceptance of the Israeli nuclear weapons program. Although Israel is classified as a NNWS under the NPT, the U.S. does not elect to jeopardize the overall relationship over this single issue. Rather than confronting the Israelis over something that is at least temporarily outside of its influence, the U.S. chooses to engage them on issues of mutual interest such as the Mideast Peace Process. A similar acceptance of the status quo in South Asia would allow the U.S. to gain considerable influence.

Following this, there are three objectives upon which the U.S. should base its policy. These objectives are simple and consistent with U.S. current policy ends. They include: 1) *preventing the use*, to include further testing or deployment, of nuclear weapons in South Asia; 2) *preventing any spread* of nuclear technology outside India and Pakistan and; 3) *building strategic stability* in the region.

Obviously, there are other meaningful U.S. regional objectives outside the nuclear nonproliferation scope. Promoting economic reform, dealing with human rights issues, providing assistance with population control, and limiting the non-nuclear weapons of mass destruction are long-standing subjects for U.S. policy makers in South Asia. These important topics fall outside of the reach of this paper. However, after progress on the nuclear problem the U.S. might establish a significant stepping stone paving the way for additional progress on the non-nuclear issues.

*Summary.* This section formulated pragmatic assumptions and equally realistic regional objectives. The four assumptions included: 1) nuclear weapons are a permanent reality in South Asia; 2) nuclear weapons are a stabilizing influence in the region; 3) India and Pakistan are not nuclear outlaws and; 4) global approaches to nuclear nonproliferation do not succeed in South Asia.

Accepting these assumptions it follows that the current U.S. policy of reversing the nuclear weaponization of South Asia has been overcome by events. Thus, the U.S. must accept the reality of nuclear weapons in India and Pakistan and develop forward-looking objectives to include: 1) preventing the use of nuclear weapons on the subcontinent; 2) preventing the spread of nuclear weapons technology outside of India and Pakistan and;

3) building crisis stability in the region which will calm tensions and reduce the race for arms, nuclear and conventional, in South Asia.

*A STRATEGY FOR THE 21ST CENTURY: The Regional Nonproliferation Regime*

*The time has come to rethink the US approach to the Indo-Pakistani nuclear rivalry. Instead of continuing the current policy of trying to roll back India's and Pakistan's de facto nuclear capabilities, the United States should work with both countries to pursue more limited but potentially achievable objectives, such as to discourage nuclear testing, nuclear weapons deployment, and the export of nuclear weapon or missile-related material and technology.<sup>15</sup>*

—Findings of a Council on Foreign Relations-sponsored Independent Task Force

Much of this paper is devoted to establishing the need, and then setting the framework, for the proposal of a new U.S. nonproliferation strategy for South Asia. While many approaches may satisfy the need and accomplish the same objectives, this paper favors a regional regime achieved by the two countries with U.S. participation as a third party.<sup>16</sup> Under the regime, both India and Pakistan would agree to a series of procedures and future courses of action that would curtail the risk of nuclear confrontation and reduce the underlying tensions on the subcontinent. Meanwhile, the U.S. participation would constitute the catalyst for such an agreement as well as provide assistance that would add stability and credibility to the arrangement.

The new approach departs from the current U.S. posture of total nonproliferation in favor of an adaptive version of managed proliferation. It evolves the U.S. from a policy of prevention to a sober combination of containment and management. It does not require the U.S. to step back from the NPT or any other global nonproliferation

agreements. On the contrary, the regional regime is proposed as a confidence-building first step toward resolving the South Asian aversion to global agreements.

*The Framework.* A potential vehicle for the regime is the Indo-Pak Joint Commission. Originally established in 1982, the purpose of the Joint Commission was to provide ongoing bilateral discussions at the foreign minister (U.S. Secretary of State equivalent) level. Early successes for the Commission included a bilateral agreement to refrain from attacking each other's nuclear facilities as well as the development of some minor Confidence Building Measures (CBMs). The Commission initially gained credibility despite growing tensions over the Kashmir insurgency, but In 1989 it degenerated into the Foreign Secretary Level Discussions (one level below Foreign Minister). That same year saw a summit meeting between the two Prime Ministers, Rajiv Gandhi of India and Benazir Bhutto of Pakistan. Designed as a beginning and not expected to be productive, the meeting did not result in any significant reduction in tensions. A second summit would never take place, as ethnic Tamil separatists assassinated Gandhi, and Bhutto's government fell.

Within five years the remnants of the Joint Commission disintegrated altogether. The Foreign Secretary talks weathered the significant increase in tensions of 1990 that nearly turned into war, and they nearly produced a settlement of the long-standing Siachen Glacier dispute in 1992. The latter episode was viewed as a failure, rather than a near success, and resulted in a loss of credibility for the talks. They finally collapsed as an ongoing process in 1994.

U.S. involvement in the rebirth of any framework for Indo-Pak negotiations would be beneficial for several reasons. It could jump-start the process by encouraging both sides

to re-establish the Joint Commission, and place the U.S. in a position where it could provide further help as required. A reactivated Joint Commission could provide the foundation for higher-level contacts, establish an important dialogue, and reduce the tension that blocks the settlement of major issues.

The next step would directly address U.S. nuclear nonproliferation goals in South Asia through a regional approach. With U.S. participation as a third party, the Indo-Pak Joint Commission could produce a regional solution to the nonproliferation stalemate. There are several potential points of agreement between the countries in the event such a covenant, or preferably a formal regime, is created.

*Indian and Pakistani Bilateral Agreements.* This section offers six points of bilateral agreement for a regional nonproliferation pact and discusses the value of each. These include: 1) Mutual no-nuclear attack policies on major population centers, environmentally critical targets, etc.; 2) Formal pledges of no-transfer of nuclear technology to third countries; 3) Development of realistic and functional confidence building measures; 4) Accepting a level of “overt-ness” for their nuclear weapons programs; 5) Capping fissile material production at current levels; 6) Commitment to a continuing framework of talks. The author canvassed both the Indian and Pakistani embassies in Washington DC in order to find these potential ingredients of a settlement.<sup>17</sup> Both embassies’ representatives indicated that these six items, combined with the U.S. commitments listed in the next section, were realistic and worthy of further attention.

*Mutual No-Nuclear Attack Policies.* With relative ease, India and Pakistan could agree to a mutual no-nuclear attack policy on major population centers, environmentally critical targets such as water sources, and culturally sensitive targets such as religious

shrines. This agreement would merely expand the no-attack policy on each others' nuclear facilities previously agreed to in 1991 by Prime Ministers Bhutto and Gandhi, an agreement considered a "measure of mutual deterrence" by nonproliferation experts.<sup>18</sup> This policy could be a step toward an overall no first-use policy, which at present neither country believes is in its interest. However, a marked improvement in relations sparked by a nonproliferation arrangement combined with the realization that any nuclear weapons use would be devastating for both countries, may lead to such a commitment.

*Formal No-transfer Pledges.* Another simple agreement for India and Pakistan, but one that is extremely important to U.S. objectives, is the formal pledge of no transfer of nuclear weapons technology to third countries. Both countries have informally pledged the same, and because both countries value the increased "status" that such programs award them, it is clearly in their respective interests to keep the technology away from potential suitors. As one observer writes, "While there is no evidence that either country has suffered nuclear security lapses, there is no guarantee that this record will stand indefinitely."<sup>19</sup> Therefore, while both countries have solid records of keeping the technology close-hold, formal pledges in the framework of a nonproliferation regime would be valuable for each other, the U.S. and the rest of the world.

*Development of Functional CBMs.* Like the previous two, the third point of agreement for the countries is an extension of previous pacts or policies. The development of functional Confidence Building Measures would be an integral and non-controversial ingredient to any regional regime. The current system of CBMs includes a hot line between the countries' Director Generals of Military Operations (DGMOs) designed to keep both sides informed of troop movements and exercises. However,

instead of using the hot line as intended, both sides have misused it for intimidation, misinformation and threats. This behavior is actually counterproductive to building mutual confidence and suggests that, in order to ensure more statesmanlike usage, the hot line should be moved up to the Chief of Army Staff (COAS) level, or to the chief executive (Prime Minister) level. Additionally, consistent with confidence building but much more controversial within both countries, would be the mutual acceptance of full-scope International Atomic Energy Agency (IAEA) safeguards on all nuclear facilities in both India and Pakistan. Such acceptance, with its associated safety benefits, would build transparency into both programs and improve the mutual confidence level.

*A Level of Nuclear “Overt-ness.”* Transparency is at the center of the fourth component of the regional regime: a level of “overt-ness” to each side’s nuclear weapons programs. Currently, both countries profess nuclear weapons *capability* but deny the existence of actual arsenals. Some believe that this “opaque” nuclear posturing results in deterrent security.<sup>20</sup> By contrast, overt-ness would mean accepting responsibility for these “opaque” arsenals and placing them under predictable and reliable command and control systems. Contentious political factors between South Asia and the U.S., predominately those stemming from U.S. legal restrictions within the NPT framework, make overt-ness a difficult issue.

South Asian scholar Steven Cohen of the Brookings Institute referred to the NPT as a “legal straightjacket” further complicated by the Clinton administration’s “almost puritanical approach” to proliferation, sticking to the letter of the law on every issue.<sup>21</sup> Cohen believes there is sufficient flexibility within the NPT allowing for a U.S. policy of managed proliferation in South Asia, and opined that there is a large segment of the State

Department that is ready to accept nuclear weapons on the subcontinent. NPT stalwart Joseph Cirincione agreed that the U.S. might find “wiggle room” within the provisions of Article 1 to allow some degree of recognition for India and Pakistan’s programs, but was concerned about the global reaction to this controversial step.<sup>22</sup> Cirincione questioned whether Japan and the European nations would encourage the U.S. efforts, or feel violated as fellow NPT signatories.

Is it also doubtful whether the current U.S. Congress would support any agreement that included open identification of India and Pakistan as nuclear weapons states. Nevertheless, no forward-looking agreement should ignore reality. Capitol Hill veteran staff member Robert Hathaway suggested that “strong presidential leadership would be the deciding factor” for congressional support on any changes to U.S. nonproliferation policy.<sup>23</sup> This issue can be made palatable for all sides if the countries accept safeguards, and if U.S. new policy statements do not embrace South Asian weapons capabilities, but merely recognize that they exist. A policy stipulation steering the countries to “decrease and eventually eliminate” may also increase the political feasibility of this point.

*Capping Fissile Material Production.* The fifth point of agreement, capping fissile material production programs, could provoke debate within India and Pakistan although both claim that similar self-imposed caps are already in place. Both countries fall short of supporting the FMCT, a global treaty based on the same premise. So while they may see the value in capping production, they refuse to formalize the matter. Yet without such caps it is doubtful whether the U.S. would see much value in the regional regime as a nonproliferation tool. Therefore, both India and Pakistan must be convinced that the

overall arrangement is in their own interest in order to compromise on this issue. This is where U.S. incentives, discussed later, will be critical.

*Commitment to a Continuing Framework of Talks.* The final, and arguably most important, component of a regional nonproliferation regime is the development of a continuing framework of dialogue to reduce tensions. Without it, the staying power of any bilateral nonproliferation agreement is questionable. India and Pakistan must come to terms with the hostility that has plagued their ability to interact as neighbors for the last fifty years. They must take a long-term view of their economic and political possibilities once hostile feelings are replaced with feelings of trust. The U.S. would also reap significant long-term benefit if it can act as facilitator in this reconciliation as it could build partnerships on economically fertile, and geostrategically important, ground.

*U.S. Assurances.* Distinct from the bilateral components of the nonproliferation regime, U.S. involvement, in an active or arbitrating role, is important for two general reasons. First, it adds the credibility of the world's foremost power to the covenant. More importantly, the U.S. controls key incentives that could help India and Pakistan accept some of the more contentious issues. This section describes eight potential U.S. assurances that will work in concert with the bilateral agreements to strengthen the regime and make it more attractive to the participants. These include: 1) Technical assistance regarding the security of nuclear arsenals; 2) Technical assistance regarding the security of nuclear weapons technology; 3) Assistance in the development of CBMs; 4) Technical assistance regarding nuclear weapons command and control; 5) Technical assistance regarding safety in the commercial nuclear power sector; 6) Allowing the

regional regime to replace current nonproliferation legislation; 7) Consider a policy of no U.S. “offensive” arms sales; 8) Consider the sharing of basic missile defense technology.

At first glance it might appear that the intention is to provide India and Pakistan with American nuclear weapons technology. On the contrary, this paper merely advocates technical assistance that is in line with the U.S. nonproliferation objectives and based on South Asian nuclear assurity. The U.S. should provide technical assistance that will secure and contain the weapons while lessening the chances they will be used. Prudent safety assistance in the commercial nuclear sector should also be granted. The following paragraphs discuss each potential assurance in further detail.

There are relevant legal considerations regarding the U.S. treaty commitments in the NPT to be considered here. Article 1 mandates that each nuclear weapons state that is party to the treaty may not “in any way assist, encourage, or induce any state without nuclear weapons to manufacture or otherwise acquire these weapons or other nuclear explosive devices or to obtain control over such weapons or devices.” But experts agree that ambiguities within the NPT might allow for U.S. flexibility. Leonard Weiss, staff director of the Senate Committee on Governmental Affairs, wrote that, among many other ambiguities, Article 1 does not clarify “what constitutes “assistance,” “encouragement,” or “inducement” to a nonweapon state; nor does it specify what constitutes “manufacture” of a device.”<sup>24</sup> Other scholars, including Steven Cohen and Joseph Cirincione, believe that differing NPT interpretations may provide the “loophole” for U.S. actions if it elects to provide levels of nuclear assurity to India and Pakistan.<sup>25</sup>

*Secure Nuclear Arsenals.* Technical assistance to both countries regarding the protection of their present nuclear arsenals will ensure they remain credible deterrents.

Secure arsenals ensure a certain balance and stability. If a country can tamper with or disable its enemy's nuclear arsenal, that creates an unstable situation. Thus, if the true purpose of these arsenals in India and Pakistan is deterrence, it is clearly in everyone's interest to ensure their security.

Security of nuclear arsenals also refers to preventing the unauthorized use of the weapons through procedures such as Permissive Action Links (PAL). There is precedent for the U.S. sharing its PAL technology, in order to reduce the threat of unauthorized weapons use. In the aftermath of the Cuban Missile Crisis, the U.S. opted to assist the Soviets in the security of their nuclear weapons. Dan Caldwell relates this excellent example of an adaptive foreign policy stance in his 1987 article as follows:

*Curiously, despite the seriousness of the [Cuban missile] crisis, the Soviet Union failed to order a full alert of its missile forces. The Kennedy administration felt that one reason for the Soviet Union's failure to order a full alert was due to Soviet decision makers' lack of confidence in their command and control procedures. Consequently, President Kennedy and Secretary of Defense McNamara decided to make the Soviet leadership aware of the U.S. permissive-action link system, and on 19 December 1962, at an international arms-control symposium at the University of Michigan, one of McNamara's assistants, John McNaughton, delivered a speech in which he described, in general terms, the American PAL system. According to reports, U.S. scientists, also with the blessings of the Kennedy Administration, explained the American PAL system to Soviet scientists, who attended the 1963 Pugwash meeting in Dubrovnik, Yugoslavia. Apparently, members of the Kennedy administration believed centralized control over Soviet weapons by civilian authorities of the Soviet government was in the interest of both the Soviet Union and the United States.<sup>26</sup>*

If the U.S. could hand nuclear command and control secrets to its chief rival during the height of the Cold War, it is not unreasonable to think that similar technology could be shared in the interest of South Asian safety forty years later.

*Secure Nuclear Weapons Technology.* Another important assurance is U.S. technical assistance to aid in the security of the nuclear technology, which directly addresses the objective of stopping the spread of nuclear arms. It may be too late to stop the technology from spreading to India and Pakistan, but that should not prevent the U.S. from taking an active role to prevent further spread. Helping both countries formalize their security practices can contain the internal and external spread of these highly sought capabilities..

*Development of CBMs.* Fostering the development of CBMs between these estranged neighbors is a non-controversial step that directly addresses the objective of preventing nuclear weapons use on the subcontinent. The U.S. has forty years of Cold War experience that reinforced the importance of CBMs. The main issue regarding them is that the countries must be willing to accept the CBMs and use them properly. This must be taken into account before implementing such measures on the subcontinent.

The US may consider supplying satellite imagery, along with instructions on how to interpret it, to both countries as a CBM. The imagery assistance could be on an as needed basis, such as during major exercises of times of heightened tensions, or it could be routinely provided through U.S. defense attachés in Islamabad and New Delhi. There is precedent for such assistance, as the U.S. has opted to share satellite photography with both India and Pakistan during times of crisis, such as the Zarb-I-Momin near-nuclear crisis of 1990, where U.S. Deputy National Security Advisor Robert Gates personally delivered the imagery along with stern words of caution. Although Gates later indicated that his mission averted a nuclear crisis, the nuclear threat has been downplayed by almost everyone involved in the crisis, including the U.S. State Department, the U.S.

ambassadors to India and Pakistan, the military attachés posted there, and Indians and Pakistanis who were in a position to either convey or receive this threat.<sup>27</sup>

*Nuclear Weapons Command and Control.* The fourth U.S. assurance, providing technical assistance regarding nuclear weapons command and control, may be highly controversial. Nevertheless, this assurance fits the stated objective of preventing nuclear weapons use. Both countries keep their nuclear programs tightly shrouded, so it is unknown what kind of command and control is in place. Who has the authority to use the weapons? What safeguards are in place to prevent their unintended use? What is the basic nuclear doctrine? While the answers to these questions need not be specifically answered for obvious intelligence reasons, it would reassure the international community to know that they are addressed. If not, the U.S. can provide unclassified assistance to help both countries reach the answers.

Neither country has provided encouraging assurances that reliable and complete command and control systems are in place. India constituted a National Security Advisory Board (NSAB) in the wake of the 1998 nuclear tests and charged it with drafting India's nuclear doctrine. The NSAB report, published on August 17, 1999, provides some clues on the possible course of weaponization in India but is very short on details. Moreover, the Indian government has not officially endorsed the NSAB product and merely considers it a partial list of options for nuclear force structure and command and control.<sup>28</sup> Similarly, the present government in Pakistan has not released its official nuclear policies in writing, although it has briefed U.S. diplomats on basic doctrine.

*Safety in the Commercial Nuclear Power Sector.* India and Pakistan would value U.S. technical assistance regarding safety in the commercial nuclear sector. Both have

large nuclear power generation programs, yet neither allows full-scope IAEA safeguards. As a result, the safety of these programs is unregulated and highly suspect. Political Minister Francis Vaz of the Indian Embassy agreed that India would consider safety assistance an incentive to a greater nonproliferation package and stated, “We need, and are presently seeking, U.S. assistance with the safety of our commercial power reactors.”<sup>29</sup> Former congressional staff member Robert Hathaway, who served with Rep Lee Hamilton for 13 years and is a South Asia expert, was not hopeful, however. Hathaway said the prospects for providing any U.S. nuclear assistance, even safety-oriented, would be a “tough sell” in Congress.<sup>30</sup> Nevertheless, Hathaway predicted that regional regime, and its provisions for U.S. assistance, could gain Congressional approval “if the Administration took the lead” on the issue.<sup>31</sup>

*Regional Regime Replaces Nonproliferation Legislation.* U.S. Congressional approval of any regional regime is critical since the regime would take the place of the legislation that constitutes most of the U.S. current policy. While the administration could direct its approach from inside the White House and State Department, the halls of Congress would be the true battleground for any change in U.S. nonproliferation policy. Nonproliferation stalwarts will contest any change from the status quo, as will Indian activists who value the present “Pressler-Veto” (discussed earlier).

*Additional Considerations.* The final two assurances, banning offensive arms sales in the region and sharing basic early warning and missile defense technology, are offered for consideration. They do not directly support U.S. nonproliferation objectives, nor do they conflict with them. Instead, these actions make the regime more palatable to the South Asian countries, especially India. Yet they should not be automatically included in

a first draft of any regional regime, but regarded as inducements and used as necessary. The ban on offensive arms sales could address Indian fears that, absent the Pressler Amendment, the U.S. to Pakistan arms floodgate would reopen, thereby creating a potentially destabilizing situation. The early warning and missile defense assistance could be added to the CBM assistance measures, but is also offered to address Indian security concerns with respect to China.

*Summary.* Paralleling the spirit of the current U.S. national security strategy of Engagement, this section proposed a solution to the current divide between U.S. nuclear nonproliferation policy and the reality of nuclear weapons programs in South Asia. The regional nonproliferation regime suggested here is an answer to the impasse, and it is realistically drawn from forward-looking U.S. nonproliferation objectives.

U.S. help reactivating of the Indo-Pak Joint Commission could be the framework leading to the regional nonproliferation regime for the next century. The pact could include some or all of the potential points of agreement detailed herein. While the bilateral items are of utmost importance, the U.S. assurances compliment the South Asian actions to form a diplomatically feasible package that manages and contains nuclear weapons programs on the subcontinent.

## *CONCLUSION*

This paper proposes a solution to an extremely dangerous question: What can the United States do to stop South Asia from becoming the next nuclear flash point? The first section highlighted the current threat, and argued against maintaining the status quo. The rest of the paper developed a pragmatic list of assumptions and U.S. regional objectives,

and presented the formula for a managed proliferation strategy. This section discusses the importance of acting upon these ideas in the near term.

There is positive potential for high-level meetings between India and Pakistan. As recently as 1999, despite the regular exchanges of arms fire and shelling along the Kashmir Line of Control, the two Prime Ministers met and signed the “Lahore Declaration.” Lahore’s first provision read, “The two Foreign Ministers will meet periodically to discuss all issues of mutual concern, including nuclear related issues.”<sup>32</sup> Both countries remain committed to the provisions of the Lahore Declaration, though the momentum was shattered by the Kargil crisis that erupted only months later, and by the removal of the civilian government in Pakistan also in 1999.<sup>33</sup> If the Foreign Ministers could reestablish formal contact, the first such meetings since 1992, it could be the first step to reactivating the Joint Commission. With U.S. support and encouragement, this Commission is the potential vehicle for negotiating a regional nonproliferation regime.

The U.S. must seize the moment and transcend the zero-sum dynamic while its influence is considered positive and regional relationships are healthy. Additionally, the U.S. should act while Indian and Pakistani nuclear fuel reserves are still small. The Institute for Science and International Security’s *Plutonium Watch* recently estimated that India has enough weapons-grade plutonium for as many 40-90 weapons while Pakistan possesses enough highly enriched uranium to manufacture 22-43 weapons.<sup>34</sup> Capping both programs at existing levels would end the arms race and make the future less dangerous for the entire subcontinent.

The catalyst to ignite the momentum for such an ambitious regime must be action by the new administration. There is real potential for foreign policy success in South Asia as

Steven Cohen opined, “A Nobel Peace Prize is waiting for the Indian and Pakistani prime ministers after they have sorted out the Kashmir dispute and inaugurated an era of peaceful coexistence and economic progress.”<sup>35</sup> A forward-looking president wishing to advance U.S. regional goals and perhaps garner a portion of a Nobel prize, could make the difference. The first step must be to re-engage the government of Pakistan.

The George W. Bush administration seems an appropriate fit for movement toward a nonproliferation regime in South Asia, especially if it acts to unilaterally cut U.S. nuclear weapons as pledged during last year’s campaign. U.S. nuclear reductions would provide instant credibility on the issue, and would help induce Indian participation in the regime. Further Indian inducement could be U.S. support in India’s quest for a permanent seat on the U.N. Security Council.<sup>36</sup> The personal attention of the president would also add the degree of credibility to the regime that would be required achieve congressional support. Additional support could be obtained by announcing the regime during a high-profile visit to the region after the actual groundwork was coordinated State Department and South Asian Foreign Ministries. The true purpose of the president’s visit would be to generate popular support in all three countries for ratification of the process.

It is time for the U.S. to take a proactive role in forwarding its nonproliferation interests in South Asia. A U.S. policy based on total nonproliferation is unrealistic, discriminatory, and in the cases India and Pakistan, it is obsolete. Regarding such cases, nonproliferation expert and former Assistant Secretary of Defense Joseph Nye wrote:

*Policies for post proliferation will have to be tailored to the specific circumstances of interests and instruments in each region, while at the same time the effect on the global regime will have to be considered.*<sup>37</sup>

In precisely this format, this paper developed a policy for the South Asian region that may have global implications. Indeed, if the regional regime's objectives are later determined to be in the global interest, the arrangement could eventually be incorporated into the NPT framework at future NPT review conferences.

### Notes

<sup>1</sup> Office of the Secretary of Defense, *Proliferation: Threat and Response* (Washington DC, U.S. Government Printing Office, 1996) p. 35.

<sup>2</sup> Robert L. Gallucci, "Non-proliferation and National Security", *Arms Control Today*, April 1994, p.14.

<sup>3</sup> *Proliferation: Threat and Response*, p. 34

<sup>4</sup> Robert McFarlane, "Vilifying Pakistan", *The Washington Post*, Sep 18, 2000, p. 19.

<sup>5</sup> Kamal Siddiqi, "MQM Leader to be Charged with High Treason," *The Indian Express*, Oct 28,2000, p. 1.

<sup>6</sup> Author interview with Brigadier Mujtaba, Defense Attaché, and Group Captain Anwar, Air Attaché, Pakistan Embassy in Washington DC, December 2000. The Pakistanis admitted that the Kargil invasion was "a miscalculation." They insisted that the Indian "overreaction" was a surprise to them, and was more related to the upcoming elections than it was to the actual situation on the ground.

<sup>7</sup> Atal Behari Vajpayee, "Transcript of Prime Minister's Address to the Nation", *Embassy of India*, Jun 7 1999

<sup>8</sup> Death and injury statistics are interpolated from Blast damage and Thermal damage charts located Chapters 13-14 of Paul P. Craig and John A. Jungerman's *Nuclear Arms Race: Technology and Society* (McGraw-Hill Book Company, 1986). The charts were then compared to the population of the attacked city.

<sup>9</sup> Ibid, Chaps 13-14.

<sup>10</sup> Text of Raphael Speech taken from *Bridging the Nonproliferation Divide*, edited by Francine R. Frankel (University Press of America, 1995), p. 8.

### Chapter II Endnotes

<sup>1</sup> Joseph Cirincione, editor, *Repairing the Regime*, (New York: Routledge, 2000) p 4.

<sup>2</sup> The White House, *A National Security Strategy of Engagement and Enlargement* (Washington DC, U.S. Government Printing Office, 1996), p. 43.

<sup>3</sup> William J. Perry, "Establishing Strong Security Ties With India and Pakistan," *Defense Issues*, Vol. 10, No. 10, 1995. p. 3.

<sup>4</sup> Steven M. Cohen, *Nuclear Proliferation in South Asia: The Prospects for Arms Control*, pp. 15-16. This three stage approach was developed by Lewis Dunn. Dunn's

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approach has been lauded in government, where he served as a Reagan appointee in the State Department, and academic circles alike. M.J. Rossant, wrote in the forward to Dunn's *Controlling The Bomb*: "Dunn finds that the United States cannot hope to maintain the relatively limited proliferation that had characterized the first generation of nuclear arms, but he does not merely wring his hands or bury his head in the sand at this dangerous new prospect. Instead, he engages in a careful search for the most effective ways to keep proliferation, which appears bound to increase, from getting out of control."<sup>5</sup>

<sup>5</sup> Jaswant Singh, "Against Nuclear Apartheid," *Foreign Affairs*, Sep/Oct 98.

<sup>6</sup> Ibid

<sup>7</sup> Robert L. Beckman, *Nuclear Non-Proliferation: Congress and the Control of Peaceful Nuclear Activities* (Boulder, Westview Press, 1985), pp. 217-218.

<sup>8</sup> Daniel Morrow and Michael Carriere, "The Economic Impacts of the Glenn Amendment: Lessons from India and Pakistan," *Repairing the Regime*, (New York: Routledge, 2000) p. 167.

<sup>9</sup> Richard N. Haass and Morton H. Halperin, *After the tests: U.S. Policy Toward India and Pakistan*, (New York: Council on Foreign Relations, Inc., Sep 98) p. 10.

<sup>10</sup> Ibid, p. 11.

<sup>11</sup> For background on the stability-instability paradox and new nuclear states, see Peter R. Lavoy, "The Strategic Consequences of Nuclear Proliferation," *Security Studies* 4 (Summer 1995): p. 739-40.

<sup>12</sup> "U.S. Involvement Essential: PM," *Dawn Weekly Wire Service*, 10 July 1999.

<sup>13</sup> Hagerty, *Current History*, p. 255.

<sup>14</sup> Ibid, p. 257.

<sup>15</sup> Haass and Rose, *A New U.S. Policy Toward India and Pakistan*, p. 5.

<sup>16</sup> In this context, "regime" is defined as a formal and binding covenant that is mutually agreed to and signed by the participating countries. Why is a regime necessary in this case? According to South Asian expert Jed C. Snyder, a Senior Fellow at the National Defense University, "A regime is necessary and desirable in this case because it is binding. Without a regime, there is nothing holding their feet to the fire."

<sup>17</sup> Author interviews with Pakistan's Deputy Chief of Mission and India's Political Counselor confirmed that all six of the points of agreement are realistic. Overall, their reactions to the proposed framework were very positive and they indicated interest in the forwarding of these ideas.

<sup>18</sup> William C. Martel and William T. Pendley, *Nuclear Coexistence: Rethinking U.S. Policy to Promote Stability in an Era of Proliferation*, (Washington DC: US Government Printing Office, 1994), p. 73.

<sup>19</sup> Hegarty, *Current History*, p. 255.

<sup>20</sup> Ibid, p. 253.

<sup>21</sup> Author interview with Cohen, December 2000.

<sup>22</sup> Author interview with Cirincione, December 2000.

<sup>23</sup> Author interview with Hathaway, December 2000.

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<sup>24</sup> Leonard Weiss, "The Nuclear Nonproliferation Treaty: Strengths and Gaps," *Fighting Proliferation: New Concerns for the Nineties*, (Maxwell AFB: Air University Press, 1996), p. 19.

<sup>25</sup> Author interviews with Cohen and Cirincione, December 2000.

<sup>26</sup> Dan Caldwell, "Permissive Action Links: A Description and Proposal," *Survival* May/June, 1987: p. 229-230.

<sup>27</sup> Seymour M. Hersh, "On the Nuclear Edge," *New Yorker*, 29 March 1993, p.56-73.

<sup>28</sup> Author interview with Indian Political Counselor Francis Vaz, December 2000.

<sup>29</sup> Author interview with Vaz, December 2000.

<sup>30</sup> Author interview with Hathaway, December 2000.

<sup>31</sup> *Ibid.*

<sup>32</sup> Contents of the Lahore Declaration supplied courtesy of the Indian Embassy in Washington, D.C. For more information, consult [www.indianembassy.org](http://www.indianembassy.org).

<sup>33</sup> During author interviews conducted at the Indian and Pakistani embassies in December 2000, both countries emphasized their ongoing commitment to the provisions of the Lahore Declaration.

<sup>34</sup> David Albright, "Supplement on Fissile Material and Nuclear Weapons in India and Pakistan," *Repairing the Regime*, (New York: Routledge, 2000) p. 149.

<sup>35</sup> M.B. Naqvi, "A Breakthrough on Kashmir?", *Dawn-the Internet Edition*, 16 March, 1997.

<sup>36</sup> Surprisingly, many of the experts interviewed during the research for this paper believed that the U.S. could support an Indian Security Council seat provided it made tangible progress on nuclear nonproliferation issues (such as signing the CTBT and refraining from actual weapons deployment and further fissile material production). However, they also believed that China would block India's eventual inclusion. Similarly, the U.S. has supported the inclusion of both Japan and Germany for over ten years.

<sup>37</sup> Joseph S. Nye, Jr., "New Approaches to Nuclear Proliferation," *Science*, vol. 156, 29 May 1992, p. 1297.